

BS030552

U.S. Application 10/673,949 Examiner Ramakrishnaiah
Response to April 17, 2007 Office Action**REMARKS**

In response to the Office Action mailed April 17, 2007, the Assignee respectfully requests entry of the above amendments and consideration of the following remarks. The Assignee respectfully submits that pending claims distinguish over the cited documents of record.

Claims 1-9 and 13-18 are pending in this application. Claims 10-12 have been canceled without prejudice or disclaimer.

Provisional Double-Patenting Rejection

Claims 1-18 were provisionally rejected for non-statutory obviousness type double patenting over claims 10-22 of copending U.S. Application No. 10/609,800 (Attorney Docket 030034). Because claims 10-12 have been canceled, the provisional rejection of these claims is moot. Furthermore, pending claims 1-9 and 13-18 have been amended and do not resemble their current form. Examiner Ramakrishnaiah is thus respectfully requested to re-examine these claims.

Double-Patenting Rejection

Claims 1-18 were also rejected for non-statutory obviousness type double patenting over claims 1-18 of U.S. Patent 7,113,596. This rejection, however, appears to be an error. U.S. Patent 7,113,596 is not assigned to the Assignee of U.S. Application No. 10/673,949. The claims of U.S. Patent 7,113,596 do not resemble pending claims 1-18. The Assignee will thus assume this rejection to be an error.

Rejection of Claim 18

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Claim 18 was rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,714,637 to Kredo. A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claim 18 cannot be anticipated by *Kredo*. Claim 18 recites many features that are not taught or suggested by *Kredo*. Independent claim 18, for example, explains how an initial alert of a first incoming communication is produced. Independent claim 18 then recites "*suppressing subsequent alerts of the first incoming communication for a period of time.*" Independent claim 18 also recites "*receiving a second incoming communication during the period of time of suppression.*" Independent claim 18 then recites "*producing a second initial alert of the second incoming communication while the subsequent alerts of the first incoming communication are suppressed.*" Support for all these features may be found in the as-filed application at paragraphs [0010], [0019], and [0021].

Kredo is entirely silent to all these features. *Kredo* describes customized call waiting indicators. *See* U.S. Patent 6,714,637 to Kredo at column 2, lines 1-5. *Kredo* fails to disclose or suggest "*suppressing subsequent alerts of the first incoming communication for a period of time.*" *Kredo* fails to disclose or suggest "*receiving a second incoming communication during the period of time of suppression.*" *Kredo* also fails to disclose or suggest "*producing a second initial alert of the second incoming communication while the subsequent alerts of the first incoming communication are suppressed.*" Claim 18, then, cannot be anticipated by *Kredo*. Examiner Ramakrishnaiah is thus respectfully requested to remove the § 102 (e) rejection of claim 18.

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If any issues remain outstanding, the Office is requested to contact the undersigned at
(919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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